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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,472	08/27/2003	Michihiro Kubo	IS-US020505	4721

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EXAMINER

WEEKS, GLORIA R

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/648,472

Applicant(s)

KUBO ET AL.

Examiner

Gloria R. Weeks

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-13 and 15 is/are allowed.
- 6) ☒ Claim(s) 1-6 and 14 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Amendment

1. This action is in response to Applicants' amendments and arguments received on September 19, 2005, all of which have been considered and acknowledged in this action.
2. Claims 1 and 8 have been amended.

Claim Rejections - 35 USC § 102

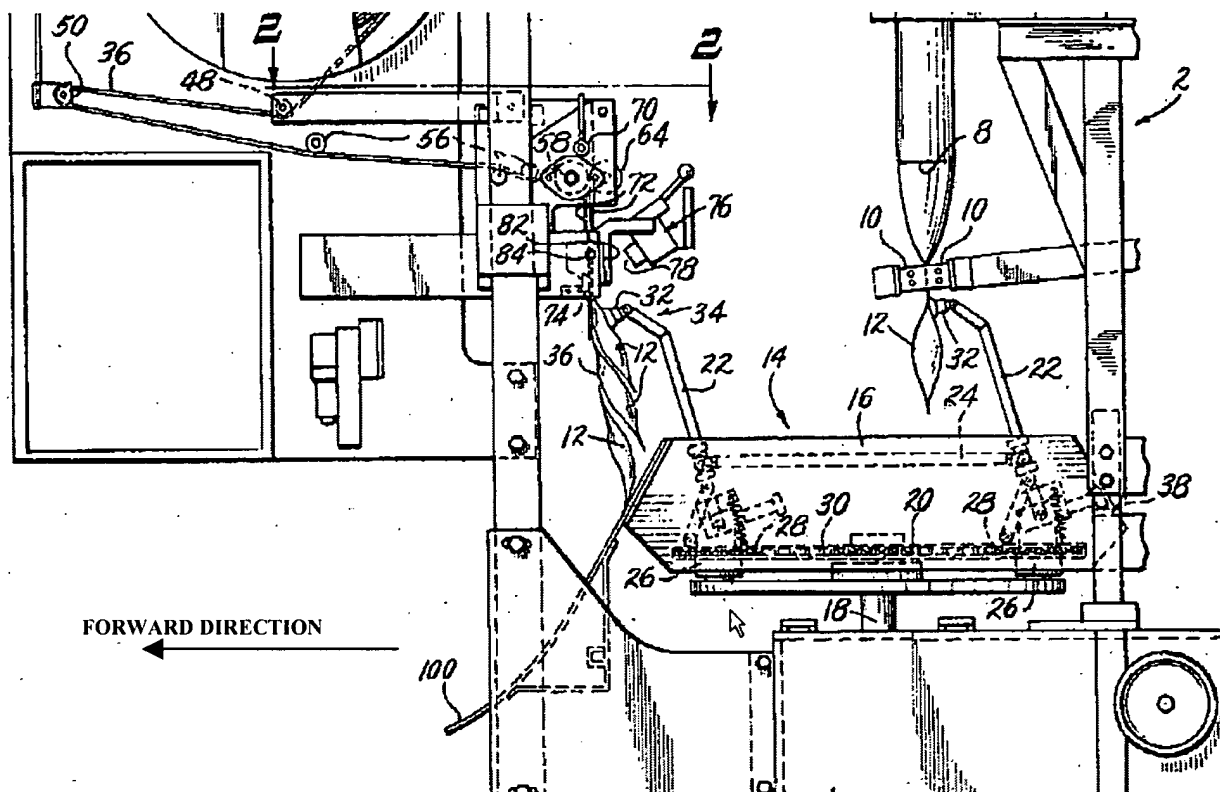
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Petrea (USPN 3,864,895).

In reference to claims 1-4, and 14, Petrea discloses a bag manufacturing and packaging apparatus arranged to output in a forward direction bags affixed to a strip, the apparatus comprising: a strip roll (46) that reels out a strip (36); a strip transport unit (48, 50, 56); a tension control mechanism (64, 66, 68); a bag manufacturing unit (2) that manufactures bags (12) filled with articles and discharges the manufactured bags (12) in a downward direction; a mounting unit having a transfer mechanism (22) that transfers the bag (12) downward (column 2 lines 51-55) and rearward of the strip (36) without interfering with subsequent bags discharged from the bag manufacturing unit (2), and a fixing mechanism (34) that affixes the bags (12) to the strip (36) after the transfer mechanism (22) transfers the bags (12); and a control unit (column 2 lines 57-62).



Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petrea (USPN 3,864,895) in view Belt (USPN 6,726,794).

Regarding claim 5, Petrea discloses a bag manufacturing apparatus comprising a mounting unit having a transfer mechanism (22); a fixing mechanism (34); and a strip transport unit (48, 50, 62). Petrea does not disclose the strip transport unit (48, 52, 64) transporting a plurality of strips to

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the fixing mechanism (34). Belt teaches a bag manufacturing apparatus comprising a mounting unit having a transfer mechanism (248); a fixing mechanism (80); and strip transport unit (34, 36, 64, 84) which transports a plurality of strips (30, 60) to the fixing mechanism (80) whereby the fixing mechanism (80) attaches a bag (12) to at least one of the plurality of strips (30). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the mounting unit of Petrea to include the strip transport unit of Belt for the purpose of providing a first strip for securing the bag to a second strip.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petrea (USPN 3,864,895) in view of Seragnoli (USPN 4,41,127).

Regarding claim 6, Petrea discloses an apparatus having a strip roll (46), but does not disclose a means for signaling depletion of the strip material from the reel supply. Seragnoli teaches an apparatus having a strip roll (4) with a sensor (column 3, lines 52-57) for detecting the amount or strip material remaining on the strip. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the strip roll of Petrea to have the sensor of Seragnoli to detect the amount of strip material remaining on the strip roll for the purpose of preventing undesired down time in the production of the apparatus (Seragnoli-column 1, lines 11-18).

Allowable Subject Matter

8. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claims 8-13 and 15 are allowed.

Response to Arguments

10. Applicant's arguments filed September 19, 2005 with respect to claims 1-6 and 14 have been fully considered but they are not persuasive.

Applicant's amendment to include the limitation of a transfer mechanism that transfers a manufactured bag rearward does not overcome the apparatus disclosed by Petrea, as the transfer mechanism (22) of Petrea is found to transfer a manufactured bag (12) in an area rearward of the strip (36), whereas a forward direction or forward area of the strip is defined by the output direction of the bags affixed to the strip. Applicant has merely recited the limitation "rearward" without defining a reference point as to what elements of Applicant's invention defines "rearward".

11. Applicant's arguments, see page 10, filed September 19, 2005, with respect to claims 8-11 and 15 have been fully considered and are persuasive. The rejection of claims 8-11 and 15 has been withdrawn.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gloria R. Weeks whose telephone number is (571) 272-4473. The examiner can normally be reached on 8:30 am - 7:00 pm Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gloria R Weeks
Examiner
Art Unit 3721

grw

November 17, 2005



SCOTT A. SMITH
PRIMARY EXAMINER